



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent Application

Applicant(s) Kanevsky et al.
Docket No.: YOR919990018US1
Serial No.: 09/239,109
Filing Date: January 27, 1999
Group: 2162
Examiner: J. Cardone

I hereby certify that this paper is being deposited on this date with the U.S. Postal Service as first class mail addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231

Signature: *John Mauri* Date: February 10, 2003

Title: A Virtual Shadow Briefcase in Servers Supporting Moving Embedded Clients

TRANSMITTAL OF REPLY BRIEF

Assistant Commissioner of Patents
Washington, D.C. 20231

RECEIVED

FEB 21 2003

Technology Center 2100

SIR:

Submitted herewith are the following documents relating to the above-identified patent application:

(1) Reply Brief (original and two copies).

In the event of non-payment or improper payment of a required fee, the Commissioner is authorized to charge or to credit **IBM Corporation Deposit Account No. 50-0510** as required to correct the error. Duplicate copies of this letter and duplicate copies of the Reply Brief are enclosed.

Respectfully submitted,

Robert J. Mauri
Attorney for Applicant(s)
Reg. No. 41,180
Ryan, Mason & Lewis, LLP
1300 Post Road, Suite 205
Fairfield, CT 06430
(203) 255-6560

Dated: February 10, 2003

AF/2700
#12
YOR919990018US1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT APPLICATION

5 Applicant(s): Kanevsky et al.
Case: YOR919990018US1
Serial No.: 09/239,109
Filing Date: January 27, 1999
10 Group: 2152
Examiner: Jason D. Cardone

I hereby certify that this paper is being deposited on this date with the U.S. Postal Service as first class mail addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231

Signature: Jim Manna Date: February 10, 2003

Title: A Virtual Shadow Briefcase in Servers Supporting Moving Embedded Clients

REPLY BRIEF

RECEIVED

FEB 21 2003

Technology Center 2100

20 Assistant Commissioner for Patents
Washington, D.C. 20231

Box AF

25 SIR:

Applicants hereby reply to the Examiner's Answer, mailed December 10, 2002, in an Appeal of the final rejection of claims 1 through 60 in the above-identified patent application.

REAL PARTY IN INTEREST

30 A statement identifying the real party in interest is contained in Applicant's Appeal Brief.

RELATED APPEALS AND INTERFERENCES

35 There are no related appeals or interferences that will directly affect or be directly affected by or have a bearing on the decision in the present appeal.

STATUS OF CLAIMS

A statement identifying the status of the claims is contained in Applicant's Appeal Brief.

5

STATUS OF AMENDMENTS

A statement identifying the status of the amendments is contained in Applicant's Appeal Brief.

10

SUMMARY OF INVENTION

A Summary of the Invention is contained in Applicant's Appeal Brief.

15

ISSUES PRESENTED FOR REVIEW

A statement identifying the issues present for review is contained in Applicant's Appeal Brief.

20

GROUPING OF CLAIMS

A statement identifying the grouping of the claims is contained in Applicant's Appeal Brief.

25

CLAIMS APPEALED

A copy of the appealed claims is contained in an Appendix of Applicant's Appeal Brief.

30

ARGUMENT

In the Examiner's Answer, the Examiner continues to rely largely on the combination of Lincke and Pepe. The Examiner asserts, in section (11)(A) of the Examiner's Answer, that the combination of the base station and proxy server act as the "computer system" of independent claim 1. The Examiner admits that Lincke does not disclose that the proxy in Lincke executes application programs but asserts that Pepe discloses a proxy that executes application programs. Therefore, the Examiner asserts that the combination of Lincke and Pepe disclose all elements of independent claim 1.

Applicants will assume for the sake of argument that the combination of the base station and the proxy server of Lincke act as the "computer system" of independent claim 1. Applicants will assume for the sake of argument that Lincke and Pepe can be combined. The Examiner refers to col. 7, line 46 to col. 8, line 64 and col. 12, lines 1-64 of Pepe for the premise that a proxy server executes an application program.

Applicants, in independent claim 1, recite the limitation of "an application process that . . . requests and receives one or more of the application programs through the computer interface from one or more of the second computers so that one or more clients can cause one or more of the CPUs to execute one or more of the application programs, the one or more CPUs executing the one or more application programs when the one or more clients request the one or more application programs." Applicants respectfully submit that Pepe does not teach or imply this limitation.

Applicants read Pepe as providing protocol translation. See, for instance, col. 7, lines 46- 51 ("The first problem to be overcome is the transmission of data using TCP/IP over networks that experience high latency, for example, more than approximately 3 to 5 seconds. *The method and system used to solve Problem 1 involve protocol translation.*") and col. 7, line 58 ("*The protocol translation is achieved by the split proxy.*"). Nowhere in the cited text of Pepe does it state that the proxy "execut[es] the one or more application programs when the one or more clients request the one or more application programs," as claimed by Applicants in independent claim 1.

Applicants assume that the "client" (as used in Applicants' independent claim 1) is a web browser in Pepe which sends world-wide web (WWW) requests

through the local proxy (see col. 7, line 66 to col. 8, line 1 of Pepe). The local proxy then converts the requests into a low-bandwidth optimized protocol (see col. 8, lines 1 to 5 of Pepe). The remote proxy of Pepe submits the web browser's request to the internet (see col. 8, lines 28 to 33 of Pepe and col. 8, lines 9 to 14 of Pepe).

5 Even if Pepe is assumed to disclose execution of application programs, there is no teaching or implication in Pepe that the local or remote proxy "execut[es] the one or more application programs *when the one or more clients request the one or more application programs*" (emphasis added), as claimed by Applicants in independent claim 1. Applicants respectfully submit that the local and remote proxies of Pepe simply act as
10 intermediaries between a web browser and the internet. There is no indication in Pepe that the proxies are executing application programs when a client requests the application programs. Pepe does state the following, at col. 12, lines 1 to 7:

15 After the data object has been returned to the remote proxy, the remote proxy applies the compression, filters, and encryption that were specified in the original query script. Those include the actions to be run on the data object to put the data object into the correct form for delivery to the local proxy. The compression, filters, and encryption are formulated into a reply script.

Nonetheless, even if the "actions to be run on the data object" of Pepe are "application
20 programs" as defined by Applicants, the client is not requesting the "actions to be run on the data object." Instead, the web browser of Pepe issues a web request (see col. 11, lines 39 to 44 of Pepe), the local proxy creates a query script from the web request (see col. 11, lines 47 to 50 of Pepe), the external web server returns the appropriate data object (see col. 11, lines 60 to 67 of Pepe), and the remote proxy simply processes the data object in
25 accordance with the query script created by the local proxy. The Examiner asserts, in section (11)(E) of the Examiner's Answer, that Pepe discloses executing query script programs, but, as described above, the query script programs are not executed when the one or more clients request the query script programs. The clients (i.e., web browsers) in Pepe are not requesting the query script programs but are, instead, simply making a web
30 request. Applicants respectfully submit that a request from a client in Pepe is completely divorced from the "actions to be run on the data object" by the remote proxy of Pepe.

Consequently, because the Examiner admits that Lincke does not disclose executing application programs on a proxy server and Pepe does not teach or imply

“executing the one or more application programs when the one or more clients request the one or more application programs” as claimed by Applicants in independent claim 1, Applicants respectfully submit that independent claim 1 is patentable over Lincke and Pepe, alone or in combination.

5 As to section (11)(D) of the Examiner’s Answer, the Examiner asserts that one cannot show nonobviousness by attacking references individually where the rejections are based on a combination of references. Applicants respectfully submit that they, in the Appeal Brief, attacked the combination of references, not a single reference. Applicants submit that Pepe *teaches away* from the invention by having a remote server,
10 which, according to the Examiner, executes application programs. In contrast, the present invention attempts to provide a local server that executes application programs. The combination of Lincke and Pepe would therefore have a remote server. Thus, the combination of Lincke and Pepe teaches away from the present invention.

 Section (11)(G) of the Examiner’s Answer regards dependent claims 10,
15 11, 13, 14, 16, 17, and 60 (dependent from independent claim 1), which each contain the limitation of discarding an application when a client passes outside of the range of communication. The Examiner asserts that Lincke discloses that the proxy server throws away requests after a certain time and that proxy servers may be changed, where the initial proxy server discards the request to it.

20 Applicants respectfully submit that the Examiner admitted that Lincke does not disclose a proxy server executing an application. If this is true, then there is no way for a proxy server in Lincke to discard an application the proxy server does not execute. For this to happen, the limitations of independent claim 1, where the application is executed when requested by a client, would have to be ignored.

25 Section (11)(H) of the Examiner’s Answer regards dependent claims 54 to 56 (dependent from independent claim 1), which each contain the limitation of a priority order for the applications that are received by the computer system. The Examiner asserts that Lincke discloses that the first query (application) has priority over other queries.

30 Applicants respectfully submit that the Examiner admitted that Lincke does not disclose a proxy server executing an application. If this is true, then there is no

way for a proxy server in Lincke to have a priority for applications the proxy server does not execute. For this to happen, the limitations of independent claim 1, where the application is executed when requested by a client, would have to be ignored.

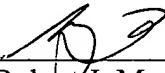
The remaining rejected dependent claims are believed allowable for at least the reasons identified above with respect to the independent claims.

Respectfully submitted,

RYAN, MASON & LEWIS, LLP

Dated: February 10, 2003

By:


Robert J. Mauri,
Reg. No. 41,180
Ryan, Mason & Lewis, LLP
1300 Post Road, Suite 205
Fairfield, CT 06430
(203) 255-65600